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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,667	10/22/2001	Joshua Miles Chase	CIS01-05(3847)	5068

58406 7590 10/31/2007
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EXAMINER

CHANKONG, DOHM .

ART UNIT	PAPER NUMBER
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2152

MAIL DATE	DELIVERY MODE
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10/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/029,667

Applicant(s)

CHASE ET AL.

Examiner

Dohm Chankong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 19-29 and 37-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 19-29, and 37-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- 1> This action is in response to Applicant's arguments, filed 8.16.2007. Claims 1-11, 19-29, and 37-42 are presented for further examination.
- 2> This is a non-final rejection.

Response to Arguments

- 3> Applicant's arguments with respect to the Lindbo reference are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of new prior art.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 4> Claims 1-11 and 19-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claims 1 and 19 recite language that renders the claims unclear. Claims 1 and 19 first recite that redirection information is provided to a requesting device "in response to intercepting the initial request." The claims then recite detecting an occurrence of a secondary condition within the redirection information.

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And in response to detecting the secondary condition within the redirection information, the claims further recite creating and "providing the redirection information to the requesting device." This is ambiguous because the claims already recited providing the redirection information to the requesting device in response to intercepting the initial request.

The claims are therefore unclear for reciting providing the redirection information twice to the requesting device wherein the provision of the redirection information is conditioned on the detection of a secondary condition within the redirection information.

b. Dependent claims 2-11 and 18-29 are rejected based on their dependency on claims 1 and 19.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5> Claims 1-11, 19-29, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blumenau (U.S. Patent Number 6,505,240) in view of Merriman et al. (U.S. Patent Number 5,948,061), hereinafter referred to as Merriman, further in view of Thompson et al, U.S Patent Publication No. 2002|0077900 ["Thompson"].

6> Blumenau disclosed a system for providing different sets of content from a content providing site to content display sites using a plurality of proxy content providing sites. In an analogous art, Merriman disclosed a method for targeting the delivery of advertisements over a network where content is delivered from one web server and an advertisement is delivered from a separate advertising web server. Also in an analogous art, Thompson disclosed a method for providing advertising content independent of requested content.

7> Concerning claims 1, 19, 37, and 38, Blumenau uses handoff instructions in order to effectuate content provision from a providing site to a display site. These instructions, or redirection information, are mainly sent from the primary providing site to the proxy providing sites. Thus, Blumenau has not explicitly disclosed providing the redirection information to the requesting device. Instead, Blumenau's primary providing site, which intercepts the request, passes instructions directly to other providing sites. However, providing the redirection information to the requesting device was well known in the art as evidenced by Merriman whose content server provides the redirection command back to the client device so that the appropriate advertising server may be accessed.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Blumenau by adding the ability for providing the redirection information to the requesting device as provided by Merriman. Here the combination satisfies the need for a content provision system that enables providers to tailor

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the content being provided in accordance with characteristics of anticipated observers. See Blumenau, column 2, lines 23-28.

8> Concerning claims 1 and 19, Blumenau did not explicitly disclose the secondary content condition as a change in root level domains between the initial request and former requests. However, tracking domains and using this information in determining secondary content was well known in the art as evidenced by Merriman whose system utilizes domain information in determining and accessing secondary content.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Blumenau by adding the ability to use the secondary content condition as a change in root level domains between the initial request and former requests as provided by Merriman. Again the combination satisfies the need for a content provision system that enables providers to tailor the content being provided in accordance with characteristics of anticipated observers. See Blumenau, column 2, lines 23-28. It is also noted here that the applicant has admitted that detecting a change in root level domains between an initial request and former requests was well known in the art to one of ordinary skill. See page 13, second paragraph, of the remarks filed 7/9/2007.

9> Concerning claims 1, 19, 37, and 38, the combination of Blumenau and Merriman did not explicitly disclose intercepting the content request prior to the request arriving at an intended destination. However, it was well known in the art that such intercepting and manipulation may be done by a separate server or device in the network. This is evidenced

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by Thompson whose system utilizes an interceptor separate from content providers in order to examine information requests from users before they reach the content provider. Upon intercepting the requests, Thompson's interceptor provides related advertising content independent of the requested content.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Blumenau and Merriman by adding the ability to intercept the content request prior to the request arriving at an intended destination as provided by Thompson. Thereby, the advertising or secondary content can be delivered independently of the requested content. Here, the combination satisfies the need enhancing the likelihood that a user will view an advertisement [Thompson, 0008 | 0034].

10> Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as a communications device or a computer program product are rejected under the same rationale applied to the described claim.

11> Thereby, the combination of Blumenau, Merriman, and Thompson discloses:

- <Claims 1, 19, 37, and 38>

A method in a communications device for delivering content, the method comprising the steps of: intercepting, from a requesting device, an initial request for initial content prior to the initial request arriving at an intended destination, the initial content accessible at an intended destination comprising an initial content source (Thompson, 0034); in response to intercepting the initial request: creating redirection

information indicating an identity of secondary content to be accessed by the requesting device in addition to the initial content in the initial request (Blumenau, column 4, lines 9-14; column 6, lines 23-31; and column 7, lines 31-42); and providing the redirection information to the requesting device (Blumenau, column 9, lines 45-49 and Merriman, column 3, lines 35-44), such that the requesting device accesses both the secondary content from the secondary content source as well as the initial content from the initial content source (Blumenau, column 7, lines 43-53); and detecting an occurrence of a secondary content condition in the redirection information, the secondary content condition indicating a requirement for presentation of secondary content to the requesting device, and in response to detecting an occurrence of a secondary content condition, performing the steps of intercepting, creating redirection information and providing the redirection information to the requesting device, such that the requesting device accessing the secondary content after occurrence of the secondary content condition (Blumenau, column 9, lines 20-49 where the content condition would be present in a handoff instruction which would then effectuate content provision steps as previously discussed), wherein the secondary content condition comprises a detection of a change in root level domains between the initial request and former requests (Merriman, column 5, lines 34-63).

- <Claims 2 and 20>

The method of claim 1 further comprising the steps of: transmitting the secondary content to the requesting device from the secondary content source; and transmitting

the initial content to the requesting device from the initial content source (Blumenau, column 7, lines 43-53).

- <Claims 3 and 21>

The method of claim 2 wherein the secondary content contains a reference to the identity of the initial content, such that when the requesting device receives the secondary content in response to the step of transmitting the secondary content to the requesting device, the requesting device can invoke the reference to the identity of the initial content in order to access the initial content causing performance of the step of transmitting the initial content to the requesting device (Blumenau, column 9, line 36 through column 10, line 6).

- <Claims 4 and 22>

The method of claim 2 wherein the steps of transmitting the secondary content to the requesting device and transmitting the initial content to the requesting device occur in relation to each such that the requesting device has concurrent access to the secondary content in addition to the initial content (Blumenau, column 7, lines 43-53).

- <Claims 5 and 23>

The method of claim 1, wherein: the redirection information includes a redirection command operable by the requesting device (Blumenau, column 9, lines 36-49); and wherein the redirection command includes the identity of secondary content causing the requesting device, in response to the step of providing, to access the secondary content from the secondary content source (Blumenau, column 9, lines 25-28).

- <Claims 6 and 24>

The method of claim 5 wherein the redirection command further comprises the identity of the initial content specified by the initial request, such that when the requesting device operates the redirection command, the secondary content source receives the identity of the initial content specified in the redirection command and causes the requesting device to receive the both the secondary content and the initial content (Blumenau, column 9, line 50 through column 10, line 6 where the timing instructions allow primary and secondary content to be related to each other, such as the secondary content being displayed between breaks in the primary content).

- <Claims 7 and 25>

The method of claim 1, wherein: the redirection information comprises a first redirection command operable by the requesting device and including the identity of secondary content and wherein the step of providing includes a first step of providing to provide the first redirection command to the requesting device to allow the requesting device to access the secondary content from the secondary content source (Blumenau, column 9, lines 8-19); and wherein the redirection information further comprises a second redirection command operable by the requesting device and including the identity of initial content and wherein the step of providing includes a second step of providing to provide the second redirection command to the requesting device to allow the requesting device to access the initial content from the initial content source (Blumenau, column 9, lines 8-19 where multiple handoff instructions to different proxy content providing sites represent a multiplicity of redirection commands).

- <Claims 8 and 26>

The method of claim 7 wherein the communications device performs a step of providing a delay between the first and second steps of providing, such that the requesting device receives the secondary content in response to operating the first redirection command and then receives the initial content in response to operating the second redirection command at a time at least equal to the delay between the first and second steps of providing (Blumenau, column 7, lines 54-63 where the delay is represented by specific timing instructions that allow the primary and secondary content to be synchronized).

- <Claims 9 and 27>

The method of claim 1, wherein: the redirection information includes a framework operable by the requesting device; and wherein the method of providing the redirection information further comprises the steps of: providing the secondary content to the framework such that the requesting device can access the secondary content; and providing the initial content to the framework such that the requesting device can access the initial content subsequent to accessing the secondary content (Blumenau, column 9, line 50 through column 10, line 9).

- <Claims 10 and 28>

The method of claim 1 wherein the step of creating redirection information comprises the steps of: extracting request criteria from the initial request; and selecting the identity of secondary content based from a plurality of identities of secondary content based upon the request criteria, such that the secondary content accessible by the

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requesting device is dependant upon the request criteria of the initial request

(Blumenau, column 10, lines 10-24).

- <Claims 11 and 29>

The method of claim 10 wherein the secondary content is advertising and wherein the step of extracting and selecting are performed to select secondary content for targeted advertising presentation to the requesting device (Blumenau, column 7, lines 38-42 and column 8, lines 8-17).

Since the combination of Blumenau, Merriman, and Thompson discloses all of the above limitations, claims 1-11, 19-29, 37, and 38 are rejected.

12> Claims 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blumenau in view of Merriman in view of Thompson, as applied above, further in view of Subramaniam et al. (U.S. Patent Number 6,081,900), hereinafter referred to as Subramaniam.

13> The combination of Blumenau, Merriman, and Thompson disclosed a system for providing different sets of content from a content providing site to content display sites using a plurality of proxy content providing sites, which system can target the delivery of advertisements. In an analogous art, Subramaniam disclosed a system for providing both secure and non-secure content from a target server to an external client in a secure fashion using a proxy server.

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14> Concerning claims 39 and 40, the combination of Blumenau, Merriman, and Thomson did not explicitly disclose that the redirection command includes addresses of both the secondary and initial content, a name of the initial content, and a delimiter as recited in the claims. However, this format was well known in the art as evidenced by Subramaniam's redirection command which includes all of these characteristics as claimed.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Blumenau, Merriman, and Thompson by adding the ability for the redirection command to include addresses of both the secondary and initial content, a name of the initial content, and a delimiter as provided by Subramaniam. Here the combination satisfies the need for a content provision system that enables providers to tailor the content being provided in accordance with characteristics of anticipated observers. See Blumenau, column 2, lines 23-28.

15> Concerning claims 41 and 42, the combination of Blumenau, Merriman, and Thompson did not explicitly disclose generating a key based on information related to the initial request and sending the key to the content source to allow the content source to access the information related to the initial request. However, the use of keys in this way was well known in the art as evidenced by Subramaniam's authentication techniques.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Blumenau, Merriman, and Thompson by adding the ability to generate a key based on information related to the initial request and sending the key to the content source to allow the content source to access the information

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related to the initial request as provided by Subramaniam. Again the combination satisfies the need for a content provision system that enables providers to tailor the content being provided in accordance with characteristics of anticipated observers. See Blumenau, column 2, lines 23-28.

16> Thereby, the combination of Blumenau, Merriman, Thompson, and Subramaniam discloses:

- <Claims 39 and 40>

The method of claim 5 wherein the redirection command including the identity of secondary content includes: (i) an address of the secondary content, the address of secondary content representing a location of the secondary content source; (ii) a name of the initial content; (iii) an address of the initial content, the address of the initial content representing a location of the initial content source; and (iv) a delimiter separating the address of the secondary content from the name of the initial content and the address of the initial content (Subramaniam, column 7, lines 1-67).

- <Claims 41 and 42>

The computer program product of claim 37 wherein said intercepting, from a requesting device, an initial request for initial content accessible from an initial content source further comprises generating a key based on information related to the initial request and sending the key to the content source to allow the content source to access the information related to the initial request (Subramaniam, column 12, lines 33-46).

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Since the combination of Blumenau, Merriman, Thompson, and Subramaniam discloses all of the above limitations, claims 39-42 are rejected.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Schmid et al, U.S Patent No. 6.438.578;

Gupta et al, U.S Patent No. 6.487.538;

Cannon et al, U.S Patent Publication No. 2002|0016736;

Tso et al, U.S Patent No. 6.892.226;

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942.

The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC

A handwritten signature in black ink, appearing to read "Andrew Caldwell", with a stylized flourish at the end.

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER